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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,076	08/10/2001	John M. Harris	CE08983R	7354
22917	7590	08/10/2004	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			DILDINE JR, R STEPHEN	
		ART UNIT		PAPER NUMBER
		2133		6
DATE MAILED: 08/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application N</b>	<b>Applicant(s)</b>
	09/928,076	HARRIS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	R. Stephen Dildine	2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 14-16 is/are rejected.
- 7) Claim(s) 4-13 and 17 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 5.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gradischnig (WO 99/59299). A comparison of applicants' claims with Gradischnig follows:

<b>Applicants' Claim 1</b>	<b>Gradischnig</b>
receiving a plurality of frames	Figure 3 Receiver receives frames 21, 23-25 etc.
determining that a received frame of the plurality of frames violates a predetermined pattern of frames expected to be received.	Figure 3, frame 22 missing so signal USTAT(22), N(MR)=28 sent to transmitter
<b>Applicants' Claim 2</b>	<b>Gradischnig</b>
communicating to a sending device that the received frame violates the predetermined pattern.	Figure 3, signal USTAT(22), N(MR)=28 sent to transmitter
<b>Applicants' Claim 3</b>	<b>Gradischnig</b>
the step of communicating comprises the step of generating a Smart NAK comprising a value corresponding to an expected sequence number of the received frame.	Figure 3, signal USTAT(22), N(MR)=28 is a NAK comprising a value (22) corresponding to an expected sequence number of the received frame
<b>Applicants' Claim 14</b>	<b>Gradischnig</b>
receiving a plurality of frames	Figure 3 Receiver receives frames 21, 23-25 etc.
determining that a received frame of the plurality of frames violates a predetermined pattern of frames expected to be received	Figure 3, frame 22 missing so signal USTAT(22), N(MR)=28 sent to transmitter

<b>Applicants' Claim 15</b>	<b>Gradischnig</b>														
communicating that the received frame violates the predetermined pattern	Figure 3, signal USTAT(22), N(MR)=28 sent to transmitter														
<b>Applicants' Claim 16</b>	<b>Gradischnig</b>														
the step of communicating comprises the step of generating a Smart NAK comprising a value corresponding to an expected sequence number of the received frame	Figure 3, signal USTAT(22), N(MR)=28 is a NAK comprising a value (22) corresponding to an expected sequence number of the received frame														
<p>Claims 1-4 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Rezaifar et al. (6,011,796). A comparison of applicants' claims with Rezaifar et al. follows:</p> <table border="1"> <thead> <tr> <th style="text-align: center;"><b>Applicants' Claim 1</b></th><th style="text-align: center;"><b>Rezaifar et al.</b></th></tr> </thead> <tbody> <tr> <td>receiving a plurality of frames</td><td>Abstract, lines 4-5: "data frames are transmitted including an eight-bit sequence number and a one-bit retransmit flag"</td></tr> <tr> <td>determining that a received frame of the plurality of frames violates a predetermined pattern of frames expected to be received.</td><td>Column 6, lines 33-34 "If L_SEQ does not equal L_V(R), an out of order frame has been received"</td></tr> <tr> <th style="text-align: center;"><b>Applicants' Claim 2</b></th><th style="text-align: center;"><b>Rezaifar et al.</b></th></tr> <tr> <td>communicating to a sending device that the received frame violates the predetermined pattern.</td><td>column 6, lines 36-38 "At step 166, the receive system transmits one or more NAK messages requesting retransmission of all unreceived frames from L_V(N) to (L_V(R)-1) MOD 4096 inclusive"</td></tr> <tr> <th style="text-align: center;"><b>Applicants' Claim 3</b></th><th style="text-align: center;"><b>Rezaifar et al.</b></th></tr> <tr> <td>the step of communicating comprises the step of generating a Smart NAK comprising a value corresponding to an expected sequence number of the received frame.</td><td>column 6, lines 36-38 "At step 166, the receive system transmits one or more NAK messages requesting retransmission of all unreceived frames from L_V(N) to (L_V(R)-1) MOD 4096 inclusive"</td></tr> </tbody> </table>		<b>Applicants' Claim 1</b>	<b>Rezaifar et al.</b>	receiving a plurality of frames	Abstract, lines 4-5: "data frames are transmitted including an eight-bit sequence number and a one-bit retransmit flag"	determining that a received frame of the plurality of frames violates a predetermined pattern of frames expected to be received.	Column 6, lines 33-34 "If L_SEQ does not equal L_V(R), an out of order frame has been received"	<b>Applicants' Claim 2</b>	<b>Rezaifar et al.</b>	communicating to a sending device that the received frame violates the predetermined pattern.	column 6, lines 36-38 "At step 166, the receive system transmits one or more NAK messages requesting retransmission of all unreceived frames from L_V(N) to (L_V(R)-1) MOD 4096 inclusive"	<b>Applicants' Claim 3</b>	<b>Rezaifar et al.</b>	the step of communicating comprises the step of generating a Smart NAK comprising a value corresponding to an expected sequence number of the received frame.	column 6, lines 36-38 "At step 166, the receive system transmits one or more NAK messages requesting retransmission of all unreceived frames from L_V(N) to (L_V(R)-1) MOD 4096 inclusive"
<b>Applicants' Claim 1</b>	<b>Rezaifar et al.</b>														
receiving a plurality of frames	Abstract, lines 4-5: "data frames are transmitted including an eight-bit sequence number and a one-bit retransmit flag"														
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<b>Applicants' Claim 2</b>	<b>Rezaifar et al.</b>														
communicating to a sending device that the received frame violates the predetermined pattern.	column 6, lines 36-38 "At step 166, the receive system transmits one or more NAK messages requesting retransmission of all unreceived frames from L_V(N) to (L_V(R)-1) MOD 4096 inclusive"														
<b>Applicants' Claim 3</b>	<b>Rezaifar et al.</b>														
the step of communicating comprises the step of generating a Smart NAK comprising a value corresponding to an expected sequence number of the received frame.	column 6, lines 36-38 "At step 166, the receive system transmits one or more NAK messages requesting retransmission of all unreceived frames from L_V(N) to (L_V(R)-1) MOD 4096 inclusive"														

<b>Applicants' Claim 14</b>	<b>Rezaifar et al.</b>
receiving a plurality of frames	Abstract, lines 4-5: "data frames are transmitted including an eight-bit sequence number and a one-bit retransmit flag"
determining that a received frame of the plurality of frames violates a predetermined pattern of frames expected to be received	Column 6, lines 33-34 "If L_SEQ does not equal L_V(R), an out of order frame has been received"
<b>Applicants' Claim 15</b>	<b>Rezaifar et al.</b>
communicating that the received frame violates the predetermined pattern	column 6, lines 36-38 "At step 166, the receive system transmits one or more NAK messages requesting retransmission of all unreceived frames from L_V(N) to (L_V(R)-1) MOD 4096 inclusive"
<b>Applicants' Claim 16</b>	<b>Rezaifar et al.</b>
the step of communicating comprises the step of generating a Smart NAK comprising a value corresponding to an expected sequence number of the received frame	column 6, lines 36-38 "At step 166, the receive system transmits one or more NAK messages requesting retransmission of all unreceived frames from L_V(N) to (L_V(R)-1) MOD 4096 inclusive"

Claims 4-13 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Xylomenos et al. is cited to show (in § 4.2) basic and modified ARQ schemes.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Stephen Dildine whose telephone number is 703-305-5524. The examiner can normally be reached on M, Tu, Th, F 5:55 am to 4:25 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decayd can be reached on 703-305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Stephen Dildine

R. Stephen Dildine  
Primary Examiner  
Art Unit 2133